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THE UNHEARD CRIES: A LEGAL AND SURVIVOR-CENTRIC ANALYSIS

AUTHORED BY - ROHINI DAS

I. ABSTRACT

Despite a growing awareness of women's rights and autonomy, marital rape, also known as spousal rape, continues to be a major problem worldwide. This essay investigates the cultural, legal, and historical underpinnings of marital rape as well as the effects it has on women's lives. It explores the jurisprudential interpretation of the crime, pointing out social structures that have allowed offenders to continue operating with impunity. Along with examining India's legislative and judicial system, the article also examines international laws and treaties that concern marital rape. It clarifies the nuances surrounding the criminalization of marital rape and the difficulties in prosecuting it through an examination of court rulings and case studies. Along with addressing India's legislative and judicial system, the article also looks at international laws and treaties that concern marital rape. It clarifies the nuances surrounding the criminalization of marital rape and the difficulties in prosecuting it through an examination of court rulings and case studies. In order to guarantee the protection and empowerment of women in married partnerships, the report concludes by suggesting actions to solve the problem, including judicial activism, legislative reforms, and public awareness campaigns.

Keywords: Marital Rape, Marriage, Fundamental rights, Right to life, Discrimination.

II. INTRODUCTION

"Deifying women has no meaning if they are not empowered. They are our equal half; some would delightfully say our better half."¹ ~ - Justice Rajiv Shakdher

Non-consensual sexual contact within a marriage, or marital rape, is still an issue of heated debate globally. This throws light upon gender equality, violations of a person's physical autonomy, and the function of criminal justice systems in dealing with such offenses. India

¹ Marital Rape in India: A Legal and Societal Imperative, The Second Chair Legal Journal (May 2024), <https://www.tsclj.com/marital-rape-india-criminal-justice-reform>.

has a complex social framework and is a diverse country. Therefore, resolving this issue would be challenging. Some people view marital rape, which is not specifically illegal under Indian law, as an extension of the traditional notion of marriage as an irreversible contract that gives a husband unrestricted sexual access. But this viewpoint ignores how crucial consent and bodily autonomy are to the institution of marriage. The act of marital rape is one of the most gravest acts in India. It is rarely opposed by anyone though the victim of marital rape goes through the same trauma and suffering like a rape victim. The question that people should ask is: Why are repeat offenders of "MARITAL" rape not even considered criminals and imposed with severe penalties under Indian Criminal law for committing rape? In India, only a married woman under the age of 15 who is the victim of her husband's forceful sexual abuse is entitled to the same legal remedies as an unmarried woman under *, according to Exception 2 of Section 375 of the Indian Penal Code of 1860. This poses a deeper concern.

Another serious issue is Exception 2 of Section 63 of the Bharatiya Nyaya Sanhita. It states that only a woman above the age of 18 can seek relief if her husband is guilty for committing forceful sexual intercourse under the guise of a right enjoyed by the husband. Hence the law makes it clear that if a married woman is a major and has been sexually assaulted and rape by her husband, she needs to keep her mouths closed. She has to choose silence over protest, as the established laws say so. PenL is another significant problem. It specifies that if a husband performs forcible sexual activity under the pretence of a right he enjoys, only a woman who is below than 18 can lodge a complaint against him. As a result, the law explicitly states that a married woman who is a major and has suffered sexual assault and rape at the hands of her husband must remain silent. Due to existing established laws in India, she has to choose to remain quiet rather than protest for her dignity and rights. Marital rape must be addressed within legal frameworks using a multifaceted approach that takes into account societal attitudes and legislative modifications.

Since this culture is undermining the foundations of the institution of marriage, it is crucial that rape laws must be amended or new laws should be passed and put into effect. for marital rape victims. There are no restraints on a man engaging in forceful sexual activity with his wife, and it is presumed that she consents. It is necessary to make changes in this ideology, as the woman's body is her own and must be protected in all ways. The legislators are still confused about the legal reforms or requisite law policies they must frame. The unresolved delay in enacting laws to protect adult married women who have been the victims of a horrible crime is

the primary concern of this paper.

III. HISTORY OF MARITAL RAPE IN INDIAN JUDICIARY

In the matter of RIT Foundation vs. The Union of India, [2022 SCC Online Del 1404], the Delhi High Court has been engaged in deliberation since 2015. Two judges of the Delhi High Court commenced hearing several petitions submitted by individuals and civil society organizations questioning an exemption in the aforementioned ruling. A controversial split ruling was reached in the aforementioned case, with one judge backing the criminalization of marital rape on the grounds that it violated a woman's right to agree and the other objecting it on the grounds that marriage inherently implied consent²

Section 375 of the Indian Penal Code of 1860³ which is now defined under Section 63 of the BNS⁴ was not designed to protect the married connection, but rather to protect women against sexual offenses. A woman's autonomy, dignity, and agency must be put into consideration when dealing this issue in question. The decision to make an appeal before the Supreme Court was approved by both judges since it involves a substantial question of law that should be decided by the Supreme Court. In the year 2022, on the 11th of May, the Delhi High Court delivered a split verdict in the case of RIT foundation Vs. Union of India⁵ where after hearing a clutch of petitions on the constitutionality of marital rape exceptions.

- The contested provisions, according to **Justice Rajiv Shakdher**, violate Articles 14, 15, 19(1)(a), and 21 of the Indian Constitution. The reason is:
 - Article 14 of the Constitution of India⁶ guarantees "equality before the law" and "equal protection of the laws" to all persons within the territory of India, ensuring that the state cannot deny these rights to anyone. This principle means that everyone, regardless of their background, is treated equally under the law. According to this part of Article 14, no one is above the law and all people, citizens and non-citizens both, are subject to the same laws and legal procedures. It further implies that under identical circumstances, both the privileged and less privileged or inferior people be subjected to equal treatment.

² Fatma Nausheen, Khan, "Changing trends and discrepancies in laws regarding marital rape in India a socio legal analysis" (2022) pg 03-06 available at <http://hdl.handle.net/10603/472737>

³ Indian Penal Code, 1860, Section 375, exception 2

⁴ Bharatiya Nyaya Sanhita, 2024, Section 63

⁵ 2022 SCC OnLine Del 1404

⁶ Constitution of India, 1950. Art. 14

- Article 15 of the Constitution of India⁷ forbids discrimination based on religion, race, caste, sex, or place of birth. It also states that no citizen can face any disability, liability, restriction, or condition based on these grounds. Hence Article 15 truly is the guardian of the downtrodden and provides a base for each and everything that a legislature needs to formulate provisions to promote harmony in the society. “Equality” is a term that is mentioned in the Preamble of the Indian Constitution.
- Article 19(1)(a)⁸ guarantees citizens the freedom of speech and expression. This includes the right to express oneself through speech, writing, printing, and other means. The freedom of speech and expression means the right to express one's conviction and opinions freely by the word of mouth, writing, painting, electronic media or any other mode addressed to the eye or the ear. This right ensures citizens that they don't need to be afraid from expressing their views and thoughts if not subjected to certain reasonable restrictions mentioned Article 19 (2) of the Constitution of India⁹.
- Article 21 of the Constitution of India¹⁰ guarantees the right to life and personal liberty. It states that no person can be deprived of their life or personal liberty except according to a procedure established by law. This Article means that every individual has the right to dignity and personal liberty and their such rights cannot be snatched away except in accordance with the prescribed legal procedure¹¹.

Hence as per Justice Rajiv Shakti's judgement the offence of rape is against the dignity, bodily integrity, autonomy and agency of a woman. It deserves societal disapprobation¹². Since, MRE is violative of Article 15 significantly compromises a woman's safety surroundings. Because of the contested provisions, the wife's freedom and right to sexual agency and autonomy cannot be struck down,. As such violations related to the infringement under 19(1)(a). Hence, the impugned provisions should be struck down.

However, according to **Justice C. Hari Shankar's opinion** there are fundamental differences in sexual relations between a married couple and between strangers, and when the legislature

⁷ Constitution of India, 1950. Art. 15

⁸ Constitution of India, 1950. Art. 19, clause (1) sub-clause (a)

⁹ Constitution of India, 1950. Art19, clause (2)

¹⁰ Constitution of India, 1950. Art. 21

¹¹ Ghosh Adrija and Tarafder Agnidipto , “The Unconstitutionality of the Marital Rape Exemption in India” available at <https://ohrh.law.ox.ac.uk/wp-content/uploads/2021/04/U-of-OxHRH-J-The-Unconstitutionality-of-the-Marital-Rape-Exemption-in-India-1.pdf>

¹² Mehta Aashita, Gupta Aneesh, “Nuptial Rape: Rape Within Marriage” Indian Journal of Social Science and Literature (IJSSL) ISSN: 2583-0643 (Online), Volume-3 Issue-1, September 2023 available at <https://www.ijssl.latticescipub.com/wp-content/uploads/papers/v3i1/A1067093123.pdf>

wisely chooses to treat them differently, it cannot be considered a violation. Next, in a marriage, having sexual access is a reasonable expectation. Sections 304B, 306, 377, and 498A of the Indian Penal Code, Section 3 of the Dowry Prohibition Act, 1861, and even filing for divorce on the grounds of cruelty are the various civil and criminal remedies available to the wife. The Hon'ble Judge also ruled that, according to Articles 19 and 21 of the Indian Constitution, the wife does not have a fundamental right to have her husband found guilty of rape. Therefore, the argument that Exception 2 to Section 375 is unconstitutional cannot be upheld. Nevertheless, none of these provisions sufficiently address the specific act of non-consensual sexual relations, which emphasizes the necessity of including it in the purview of rape statutes.

THE LEGAL ISSUE IN THIS CASE

Whether the impugned provisions of the Indian Penal Code that exempt husbands from the crime of rape committed against their wives who are above the age of eighteen violate number of fundamental rights protected by the Indian Constitution, such as Article 14 (that ensures equality and equal treatment before the law), Article 15 (prohibition of discrimination to ensure harmony), Article 19(1)(a) (that guarantees the right to express one's conviction and opinions and not remain silent due to any fear) and Article 21 (right to life and personal liberty)?

Moreover, the Hon'ble Judges, **Justice Rajiv Shukdhia** & **Justice C. Hari Shankar** further held, to resolve the issue the case was sent to the Supreme Court of India.

This shows that MRE creates a classification that is arbitrary, discriminatory, and absurd. It is unfair and manifestly arbitrary for the parties to be immune from prosecution because of their relationship. Additionally, nearly half of the population is denied equal protection under the law due to MRE. Even a sex worker has the legal authority to refuse, but not a married woman. The right conjugal cohabitation does not grant the husband the liberty to engage in sexual activities without the wife's consent. The sexual autonomy of the wife cannot be disregarded under the garb of conjugal rights of the husband.¹³

A woman's privacy is gravely violated and her fundamental rights are substantially violated by the exemption under Section 375. A person's mental and physical wellness are adversely

¹³ Swarupa Dutta, 'Why Marital Rape Should be Criminalized' (Rediff.com, 12 September 2017) <https://www.rediff.com/news/interview/why-marital-rape-should-be-criminalised/20170912.htm>

impacted for a long time, and women undergoes soul shattering experiences within her marriage. Imagine the kind of turmoil she must go experience when someone she trusted would love and protect her rapes and brutally assaults her¹⁴.

Another compelling argument in this situation is that many women become victims to the husband's violent behavior, becoming infected with deadly STDs for which there is no known treatment. Women are not allowed to reject their husbands desire to engage in sexual activities.

"Nothing in this article prevents the state from making any special provision for women and children," according to Article 15(3) of the Constitution¹⁵. Given the broad scope of this article, it is necessary that women's rights be taken into account and that this principle be given a clearer interpretation may be given to this principle in order for laws to be implemented for their benefit. It is seen that lack of such legislation is also a violation of fundamental rights guaranteed under Article 15(3).

Rape is a heinous act of sexual intercourse against any person's will. As per Section 375 of the Indian Penal Code, 1860¹⁶, and Section 63 of the Bharatiya Nyaya Sanhita, 2023¹⁷, rape is an act defined as the penetration in a woman's vagina; mouth; uterus; or anus; or the insertion

IV. URGENT NEED TO CRIMINALIZE MARITAL RAPE IN INDIA

The position of women in a patriarchal society remains a mystery. Marriage is a sacred practice in India. As rightly observed by a British Jurist, Matthew Hale: "Marriage was a legal contract by which a woman 'gave herself' to her husband for life. This implies that there is a vague notion in the institution of marriage that diminishes the sexual autonomy of a woman, as it is considered that the woman has surrendered herself to her husband¹⁸. This makes it clear that, firstly, Marital rape is a distressing and pervasive form of intimate violence inflicted on a person when in a marriage, one spouse forces the other into engaging in sexual acts without

¹⁴ Thaplu, Mridull, "Marital Rape: "Need For Its Criminalisation In India: Marital Rape: -Need For Its Criminalisation In India (2020): Pp 02-04, https://www.academia.edu/67901902/Marital_Rape_Need_For_Its_Criminalisation_In_India? B=Hybrid (March 12, 2025, 09:44 Am).

¹⁵ Constitution Of India, 1950. Art15, Clause (3)

¹⁶ Indian Penal Code, 1860. Sec. 375

¹⁷ Bharatiya Nyaya Sanhita, 2023, Sec. 63

¹⁸ THAPLU, MRIDULL, "MARITAL RAPE: "NEED FOR ITS CRIMINALISATION IN INDIA: MARITAL RAPE: -NEED FOR ITS CRIMINALISATION IN INDIA (2020): Pp 02-04, https://www.academia.edu/67901902/MARITAL_RAPE_NEED_FOR_ITS_CRIMINALISATION_IN_INDIA? B=Hybrid (March 12, 2025, 09:44 AM).

their explicit and voluntary consent within the bounds of a marital relationship². Secondly, since time immemorial, the women in a marriage have been treated as tangible property of their husbands, resulting in significant physical and emotional consequences on the victim. It is a serious violation of a person's bodily autonomy and dignity, as 'rape' within the bounds of marriage is a notion that can fret any woman to the very core. Over the years, numerous laws have been enacted to combat violence committed against women in India, such as dowry, domestic violence, crime with respect to pregnancy, but marital rape remains a notable exception. It is a very underreported crime in the country. Even though the State is aware of the detrimental outcome of any type of non-consensual sexual act, the Government has conveniently neglected the gravity of marital rape by keeping it outside the purview of criminal Law.

Rape is a heinous act of sexual intercourse against any person's will. As per Section 375 of the Indian Penal Code, 1860, and Section 63 of the Bharatiya Nyaya Sanhita, 2023¹⁹, rape is an act defined as the penetration in a woman's vagina; mouth; uthera; or anus; or the insertion of any object, by a man, under various conditions: without consent; obtained through fear, deception, or coercion, or when the woman is incapacitated or underage, or when she cannot communicate her consent or has given her consent due to undue influence or misrepresentation to a man against her will and without her free consent. The definition of rape is consistent across various criminal law provisions in India. However, this definition shifts when a woman enters into a marital relationship. In this context, what is legally recognized as a cognizable offense transforms into a perceived right for the husband, and the wife is expected to comply, even if she does not consent. This change highlights a significant discrepancy in how marital rape is perceived and addressed, reflecting broader issues of gender inequality and ignorance of consent within the legal frameworks. Thus, marital status can alter the legal understanding and treatment of rape, effectively diminishing the woman's autonomy and rights.

When discussing the offense of marital rape, it is crucial to refer to the case of Phulmani, which is like the famous case of Queen Empress vs. Hurry Mohun Mythee⁶. This was the first case to acknowledge marital rape as a crime against women. In 1890, an eleven-year-old girl named Phulmani was killed by her twenty-nine-year-old husband, who forcefully had sexual intercourse with her. As per the Hindu norms, a man has the authority to have sexual

¹⁹ Bharatiya Nyaya Sanhita, 2023, Section 63

intercourse after their child's wives attained puberty, and the colonial Law only penalized the husband for marital rape when the child's wife was below ten. Since the victim was above the age of 11, her husband was not accused of committing marital rape and murder. This made the Colonial Government raise the age of consent for the marriage of girls from ten to twelve. This case also raised the question of whether families and communities had the right to inflict pain on women in the name of religion and cultural norms. These 19th-century cases laid the groundwork for subsequent discussions and legal reforms concerning child marriages in 20th-century India²⁰.

In 1984, in the case of *Harminder Kaur vs. Harmander Singh*,²¹ the Delhi High Court held that the Constitution of India could not intervene in household matters as it would destroy the institution of marriage²². As per the Delhi High Court's judgment, Article 21 of the Constitution defines the 'Right to Life and Personal Liberty'¹⁰, and Article 14 of the Constitution of India states that 'the State shall not deny to any person equality before the law or equal protection of the laws within the territory of India'¹¹ will not address the challenges related to household affairs and marital relations.

Furthermore, the Court emphasized the Hindu Marriage Act of 1955, which defines marriage as a solemn and sacred relationship, and how the interference caused by the Constitution or any other provision of Law will adversely impact the sanctity and rights of married individuals. On the other hand, in the case of the State of Maharashtra & Anr. vs. Madhukar Narayan Mardikar²³, the Supreme Court asserted that every woman possesses an inherent right to privacy, which must be safeguarded from infringement. Similarly, in *Shri Bodhisattwa Gautam vs. Ms. Subhra Chakraborty*²⁴, the Court ruled that rape constitutes a violation of Article 21 of the Indian Constitution, as it undermines fundamental human rights and infringes upon the victim's right to life and dignity. These rulings indicate the critical importance of criminalizing marital rape, as doing so is essential for protecting women's privacy and ensuring their fundamental rights to personal security and dignity²⁵.

²⁰ Dr Sharma G.K., Sandhu Prabhu, 'Marital Rape' Vol: 08, Issue: 02, e-ISSN: 2348-795X, International Journal of Research, 19970. (2024). pen2print.org. <https://journals.pen2print.org/index.php/ijr/article/download/20440/19970>, (March. 12, 2024, 13:32 PM).

²¹ Harvinder Kaur V. Harmander Singh Choudhry, AIR 1984 Delhi 66

²² Saptarshi Bhagyashikha, "Marital Rape and Law", 9 Apr. 2024, <https://articles.manupatra.com/article-details/Marital-Rape-and-Law> (Sept. 12, 2024, 16:19 PM).

²³ State of Maharashtra & Anr. v. Madhukar Narayan Mardikar 1991 AIR 207, 1990 SCR (3) 130

²⁴ Shri Bodhisattwa Gautam vs Ms. Subhra Chakraborty, 1996 AIR 922, 1996 SCC (1) 490

²⁵ Saptarshi Bhagyashikha, "Marital Rape and Law", 9 Apr. 2024, <https://articles.manupatra.com/article->

The Gujarat High Court reviewed the stance on sexual offenses in a recent ruling in *Nimesh Bhai Bharatbhai Desai v. State of Gujarat*²⁶ and pointed out that husbands must be reminded that their wives are not objects to be utilized. Furthermore, it was said that a man's marriage does not grant him the authority to rape his wife. Marriage does not make a man the proprietor of his wife, nor does it make the wife an object of possession. She does not forfeit her basic right to autonomy and physical privacy when she consents to marriage. For women, particularly Indian women, sexual privacy is sacred, and it is against the law to deny them it. She always has the freedom to withdraw her consent to have sexual intercourse whenever she chooses. There is no irrevocability that is attached to her consent. She is empowered to change her mind and use her body however she pleases²⁷.

V. CONTEMPORARY STATUS OF CONSENT JURISPRUDENCE

IN RAPE LAW IN INDIA

Consent is the central component in the legal definition of rape. In India, the interpretation and application of consent within rape laws have evolved strikingly over time. The present-day status of consent jurisprudence in Indian rape law reflects a contemporary debate between legal principles, judicial interpretation, and societal attitudes. Before the amendment of Criminal Law Act in 2013, there was no explicit definition of 'Consent' in rape law. As per Section 90²⁸ of the Indian Penal Code, 1860 and Section 28 of Bharatiya Nyaya Sanhita, 2023²⁹, valid consent in general terms refers to the expression of willingness to do something which is not influenced by fear of injury, a misconception of fact, or undue influence. A Supreme Court bench consisting of Justices DY Chandrachud, Justice JB Pardiwala, and Justice AS Bopana declared on September 29, 2022³⁰, that all women, married or unmarried, have the right to a safe and legal abortion up to 24 weeks into their pregnancies. The Court ruled that a woman's marital status cannot deny her the right to terminate an unintended pregnancy. In its ruling, the Court also established that a husband's sexual assault of his wife should be recognized as rape. Therefore, the definition of rape, including the guidelines for abortion, must incorporate the definition of marital rape under the Medical Termination of Pregnancy Act. It must be incorporated into the definition of rape, along with the guidelines

[details/Marital-Rape-and-Law](#) (March. 12, 2024, 17:27 PM).

²⁶ 2018 SCC Online Guj 732

²⁷ Makam, Ganesh, Marital Rape Laws in India: Bridging the Gap between Gender Equality and Criminal Justice (June 1, 2023). Available at SSRN: <https://ssrn.com/abstract=4475468> or <http://dx.doi.org/10.2139/ssrn.4475468>

²⁸ Indian Penal Code, 1860, Section 90

²⁹ Bharatiya Nyaya Sanhita, 2023, Section 28

³⁰ "X v. Principal Secretary, Health and Family Welfare Department & Anr." is [2022] 7 S.C.R. 686.

for abortion. The Court ruled that when a husband's non-consensual sexual relations with his wife may result in pregnancy, they must also be considered survivors of rape or sexual assault. (X V. Health and Family Welfare Department Principal Secretary and Anr., July 21, 2022).

V. INTERNATIONAL PERSPECTIVES AND COMPARATIVE ANALYSIS

One example of a nation that has taken important action to combat marital rape is Sweden. Sweden was the first nation in the world to make marital rape a crime in 1965. Regardless of a couple's marital status, the Swedish legal system acknowledges that having sex without both parties' express consent is rape. This method rejects the idea that marriage automatically entails agreement to sexual behavior while acknowledging the significance of consent. The first laws against marital rape were passed in Norway in 1971²⁵, making it a relatively early crime. The Norwegian legal system acknowledges that non-consensual sexual actions, including between spouses, can qualify as rape and places a strong emphasis on the value of consent in marriage.

In 1991, the Sexual Offences Act³¹ was introduced in the United Kingdom, making marital rape a crime. The law recognized that consent must be freely given within marriages and specifically eliminated the marital exemption. The UK framework lays the onus of ensuring consent is always present on individuals, acknowledging its importance as a fundamental component of sexual relationships. Although marital rape is illegal in some jurisdictions, it may be subject to different legal requirements or standards than other types of rape. These differences may affect survivors' rights and the simplicity of prosecution. Exemplary procedures and areas where legal reforms might be reinforced to give survivors more robust protection are identified through comparative analysis.

While some nations have made marital rape a crime, others are still coming to terms with the problem. Some nations' legal systems may still have limitations for married couples or may not have clear laws that make marital rape a crime. A critical evaluation of these countries is made possible by comparative analysis, which also serves as a foundation for arguing for legislative changes that would safeguard survivors and advance gender equality.

³¹ Kumar Ayush , Kaushik Akshita "Constitutional Imperatives: Addressing Marital Rape within Legal Frameworks" Vol: 1 Issue: 1 available at <https://www.tsclid.com/marital-rape-india-criminal-justice-reform>

Comprehensive legal reforms, survivor support programs, and awareness efforts to dispel prejudices and social norms are all recommended under CEDAW. Understanding various legal systems, societal views, and responses to marital rape can be achieved by comparing global perspectives. It makes it easier to find the gaps, difficulties, and best practices that can guide the creation of comprehensive support networks for survivors as well as legal reforms. Addressing marital rape requires a comparative analysis and an international viewpoint. Because they understand the importance of consent in marriage, countries like Sweden, Norway, and the UK have made marital rape a crime. Comparative analysis reveals differences in survivor support networks, evidence standards, and legal strategies. International agreements like CEDAW offer direction and demand all-encompassing work.

India is required by Article 2(f) to protect women's rights regardless of marital status even though it has not ratified the optional protocol of CEDAW. State parties are required to take particular steps to end discrimination against women under Article 2 Clause (f) of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This includes taking all required steps to change or erase any laws, rules, norms, or practices that support discrimination against women, including passing new legislation or revising current ones. In simpler terms, it requires Government to actively review and alter any laws or cultural practices that discriminate against or disadvantage women³².

VI. CONCLUSION

A comprehensive strategy including judicial activism, legislative reforms, and public awareness initiatives must be implemented to address marital rape. Regulations might provide victims legal recourse and protection by outlawing marital immunity clauses, making non-consensual sexual activities illegal, and guaranteeing that age-of-consent statutes are applied consistently. Legal alternatives for resolving marital rape are further strengthened by judicial interpretation of fundamental provisions, such as the right to bodily autonomy. Campaigns for social awareness are also essential in promoting a culture of respect for women's rights and opposing practices that allow offenders to go free. Through collective action, we can create a safer and more equitable society where all individuals, regardless of gender or marital status, are protected from sexual violence within relationships.

³² A J. Marin, R. N. Felipe, Feminist Perspectives on Male Violence Against Women: Critiquing O'Neil and Harway's Model, in M. Harway; J. M.O'Neil (ed.), What Causes Men's Violence Against Women?, Sage Publications, Thousand Oaks, <https://legaleagleweb.com/articalsdetail.aspx?newsid=22>

The several legal and societal obstacles to the MRE's removal from the Indian Penal Code are discussed in this article. Although there is still uncertainty regarding the achievement of the ultimate goal of establishing an egalitarian social structure free from the shackles of stifling patriarchy, there is value in recognizing the expressive role of the law.

It would be naïve to assume that formal legal changes would be enough to bring about social change that eliminates historical prejudices and opens the door for gender equality. According to the Verma Committee, the effectiveness of the law would continue to be questioned until there are corresponding changes in attitude. However, judgment cannot be used when the matter involves the flagrant transgression of the most fundamental human values. Although a more compassionate and equal society would be better achieved through endogenous social transformation, half of the population's lives and liberties cannot be left up to the whims of chance in the meantime.

